

**Town of Sutton  
Zoning Board of Adjustment**

**Instructions to Applicants Appealing  
The Zoning Board of Adjustment**

**Read Carefully Before Filling Out The Attached Applications**

**I. General Information**

1. You must submit an application in writing on the form(s) approved by the Zoning Board of Adjustment requesting a hearing for the granting of a special exception, variance, appeal from an administrative decision or an equitable waiver of dimensional requirements before the Board will meet and make a determination.
2. Applicants must include a copy of any orders, notices of violation or other communications received from either the Board of Selectmen or the Planning Board that pertains to the property concerned in the application to the Zoning Board of Adjustment.
3. The applicant must submit a list of abutters who border the property for which the action of the Zoning Board of Adjustment is requested. The list must contain the current mailing address for each abutter.
4. The list of abutters together with their mailing address may be obtained from the records on file at the Town Office. The list is your responsibility to obtain. The list cannot be less than 5 working days old before submission of application to the Land Use Coordinator.
5. You must provide a check made out to the Town of Sutton, at the time of filing to cover the cost of all certified mailings to abutters, newspaper ads as well as a filing fee. Please refer to the Fee Schedule section. All checks should be made payable to the Town of Sutton and mailed to PO Box 487, North Sutton, NH 03260.

**II. Application Requirements**

1. Deadline for applications is 30 days prior to the hearing (15<sup>th</sup> of the month prior to hearing). Please submit 12 copies of plans, drawings or supporting documentation. Please provide 3 full size maps and 9 11x17 size maps.

**III. Process**

1. Fill out the Application for Appeal completely. Include Registry of Deeds book and page numbers.
2. Provide a list of names and addresses of all abutters, their tax map and lot(s) numbers. (Resources are available at the Town Hall).
3. Carefully review the Appeal Checklist requirements.

**IV. After Receipt of Application**

1. After your application is received and deemed to be complete, a hearing date will be set. A public notice will appear in the local newspaper, it will also be posted at various town sites and abutters will be notified by certified mail. You, as the applicant, will be notified by certified mail. Should other expenses be incurred (i.e. photocopying, extra postage etc.) an invoice will be included with your notice.

2. Your application will be reviewed by the Chair of the Zoning Board of Adjustment as well as the Land Use Coordinator. If they determine that your application is incomplete, your application will be returned to you for completion. Please ask the Land Use Coordinator to help you if needed.

First, determine if your proposed appeal belongs before the Zoning Board of Adjustment (ZBA); it may come under the jurisdiction of the Planning Board. You can establish this by looking at the Sutton Zoning Ordinance at the Town Hall or online at the Town of Sutton's web site. The Land Use Coordinator is available to assist you on Monday and Wednesday from 8:00 a.m. to 4:00 p.m. and Tuesday from 8:00 a.m. to 12:00 noon and Thursday from 12:30 p.m. to 4:00 p.m. or by appointment on Friday. Please call 927-4115 for an appointment or e-mail at [suttonlanduse@tds.net](mailto:suttonlanduse@tds.net).

If your request does require a Zoning Board of Adjustment hearing, it will fall into one of the following categories: Appeal from an Administrative Decision; Request for a Special Exception; Request for a Usage Variance; Request for an Area Variance.

#### I. Appeal from an Administrative Decision

If you have been denied a building permit or are affected by some other decision regarding the administration of the Sutton Zoning Ordinance, Site Plan Review Regulations or Land Subdivision Control Regulations, you may appeal the decision to the Zoning Board of Adjustment. The appeal must be made within 20 days of the decision, according to the Rules of Procedure of the Town of Sutton's Zoning Board of Adjustment. The appeal will be granted if you can show that the decision was indeed made in error.

If you are appealing an administrative decision, a copy of the decision appealed for must be attached to the application.

#### II. Special Exception

Certain sections of the Zoning Ordinance provide that uses, buildings or activities in a particular zone will be permitted by special exception if specified conditions are met. Your appeal for a special exception will be granted if you can show that the conditions stated in the ordinance are met. The following will apply:

1. The site is an appropriate location for the use or structure.
2. The use will not be detrimental, injurious, noxious or offensive to the neighborhood.
3. There will be no undue nuisance or serious hazard to vehicular or pedestrian traffic.
4. Adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use or structure.
5. The proposed use or structure is consistent with the spirit of the ordinance.

#### III. Usage Variance

A variance is an authorization, which may be granted under special circumstances, to use your property in a way that is not permitted under the strict terms of the Zoning Ordinance. For a variance to be legally granted, you must show that your proposed use meets all of the conditions listed in the application. The following will apply:

1. The variance will not be contrary to the public interest.
2. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.
  - a. The zoning restriction as applied interferes with the landowner's reasonable use of the property, considering the unique setting of the property in its environment.
  - b. No fair and substantial relationship exists between the general purposes of the

- zoning ordinance and the specific restrictions on the property.
- c. The variance would not injure the public or private rights of others.
- 3. The variance is consistent with the spirit of the ordinance.
- 4. Substantial justice will be done by granting a variance.
- 5. The value of surrounding properties will not be diminished with the granting of the variance.

#### IV. Area Variance

An area variance is an authorization, which may be granted under a special circumstance, to allow your property to not meet specific minimum dimensional requirements specified in the Zoning Ordinance. For a variance to be legally granted, you must show that your proposed use meets all of the conditions listed in the application. The following will apply:

- 1. The value of surrounding properties will not be diminished by the granting of the variance.
- 2. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship.
  - a. An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property.
  - b. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance.
- 3. The variance is consistent with the spirit of the ordinance.
- 4. Substantial justice will be done by granting the variance.
- 5. The variance will not be contrary to the public interest.

#### V. Commercial use of Property in the Town of Sutton

If you are applying for a commercial use of property in Sutton, please include a letter with your application describing the following:

- 1. Hours of Operation.
- 2. Plan for Parking.
- 3. Number of Employees.
- 4. Proposed Signage.
- 5. Exterior Lighting – Locations/Hours.
- 6. Increase in traffic due to your business, number of deliveries daily, etc.
- 7. Plans for Expansion.
- 8. Any waste products produced as a result of your commercial activity.

Application Fees – Please make your check payable to the Town of Sutton – ZBA.

For an alteration or addition to existing residence or out building	\$ 50.00
For a new residence or out building, including temporary trailer	\$ 75.00
For a new business or industry or alteration or addition to an existing business or industry	\$100.00
For a PWSF (Personal Wireless Service Facility)	\$250.00
Certified Mailers – Per Abutter/Applicant	\$ 7.00
Newspaper Fee for 3 Weeks	\$ 75.00
Member Packet Mailings @ \$2.00 each x 7 members	\$14.00

Submit or mail the application, check list, documentation, photocopies and check to: **Town of Sutton - ZBA, PO Box 487, North Sutton, NH 03260.**

**Town of Sutton**  
**Zoning Board of Adjustment**

Please review the following applications. Choose the one that best fits your requirements. Send your application, worksheet, checklist, abutter list and payment to the Town of Sutton, ZBA, PO Box 487, North Sutton, NH 03260 by the 15<sup>th</sup> of the month prior to your public hearing.

For questions or assistance in completing these forms, please do not hesitate to contact:

Linda D. Ford, Land Use Coordinator  
603-927-4115

[suttonlanduse@tds.net](mailto:suttonlanduse@tds.net)

Monday & Wednesday from 8:00 a.m. to 4:00 p.m.

Tuesday's from 8:00 a.m. to 12:00 noon

Thursday's from 12:30 p.m. to 4:00 p.m.

And by appointment on Fridays

Zoning Board of Adjustment Members:

William Hallahan, Chair

Edward Canane

Doug Sweet

Dane Headley

William Turner

Derek Lick

Kevin Carr, Alternate

Linda D. Ford, Land Use Coordinator